

COMMITTEE STATEMENT

LB 614

HEARING DATE: 3/17/99

COMMITTEE ON: Judiciary

TITLE: (Beutler, Hilgert) Change product liability provisions

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

Vote Results:

7	Yes	Senators Baker, Bourne, Brashear, Connealy, Hilgert, Pedersen, Robak
	No	
	Present, not voting	
1	Absent	Senator Chambers

PROPOSERS

Senator Chris Beutler
Thomas White

REPRESENTING

Introducer
Nebraska Association of Trial Attorneys

OPPOSERS

Steve Gealy

REPRESENTING

Nebraska Chamber of Commerce and Industry
National Federation of Independent Business
Nebraska Insurance Information Service
American Insurance Association

Ted Frazier

NEUTRAL

Loy Todd

REPRESENTING

Nebr New Car and Truck Dealers Association

SUMMARY OF PURPOSE AND/OR CHANGES:

Legislative Bill 614 **changes provisions relating to product liability actions where the manufacturer of the product is not subject to court jurisdiction.**

Under current law, Section 25-21,181 precludes an action for product liability against any seller or lessor unless the seller or lessor is also the manufacturer of the product or the part thereof claimed to be defective.

COMMITTEE STATEMENT

LB 614 would add new exceptions to the rule of Section 25-21,181 that the seller or lessor cannot be liable for product liability:

- If the seller or lessor cannot identify the manufacturer or the seller's or lessor's source of the product.
- If the product was manufactured outside the United States *and*
 - The manufacturer or the seller's or lessor's source of the product does not have sufficient presence in or contacts with the United States for a plaintiff to obtain jurisdiction over the manufacturer or the seller's or lessor's source of the product; *or*
 - The plaintiff establishes that a reasonable chance exists that the manufacturer or the seller's or lessor's source of the product cannot be forced by judicial process to pay a likely judgment.

EXPLANATION OF AMENDMENTS, IF ANY:

Senator